

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DERRICK MULLINS,

Plaintiff,

v.

LHT 109 INC. d/b/a LIONS HEAD TAVERN
and NOVUS INMOUILLIARE INC.,

Defendant.

22-CV-9967 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff initiated this action on November 22, 2022, and served the Complaint on both Defendants on December 14, 2022 via the New York State Secretary of State. On December 20, 2022, the Court ordered the parties to meet and confer within thirty days of service of the summons and complaint, and within fifteen additional days, submit a joint letter requesting that the Court either refer the case to mediation or a magistrate judge, or schedule an initial status conference in this matter. On December 30, 2023, Defendant Novus Inmouiliare (“Novus”) answered the Complaint and filed crossclaims against Defendant LHT 109 Inc (“LHT”) and a counterclaim against Plaintiff, and on January 3, 2023, Plaintiff answered Defendant Novus’ counterclaim. To date, Defendant LHT has not answered the Complaint or the counterclaims. On February 16, 2023, Plaintiff notified the Court that he intended to move for default judgment by March 16, 2023. On March 17, 2023, the Clerk of Court issued a certificate of default as to Defendant LHT’s failure to answer the Complaint. No certificate of default has been issued with respect to Defendant LHT’s failure to answer Defendant Novus’ crossclaims.

To date, Plaintiff has not moved for default judgment, nor have the parties that have appeared in this action filed their joint letter pursuant to the Court’s December 20, 2022 order.

Accordingly, no later than August 22, 2023, the parties shall submit their joint letter requesting either that the Court refer the case to mediation or a magistrate judge, or schedule an initial status conference in this matter.

Insofar as Plaintiff intends to move for default judgment against Defendant LHT, he shall do so no later than August 29, 2023. Any such motion and related papers shall be served consistent with Local Civil Rule 55.2, as well as electronically. Failure to comply with this Order may result in dismissal of this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: August 16, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Hon. Ronnie Abrams
United States District Judge